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January 29, 2010

Via Email & 1st Class Mail

Richard J. Chalpin, Regional Director
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

**Re: Commonwealth of Massachusetts vs. New Ventures Associates LLC ;
Civil Action No. SUCV2006-00790; FMF# 39545; Paragraph 27 Seventy-Two (72)
Hour Notice**

Dear Mr. Chalpin:

This office represents New Ventures Associates, LLC ("New Ventures") in the above matter. We are in receipt of your letter dated January 26, 2010 by email on that date with respect to the operation of the Crow Lane Landfill (the "Landfill").¹ The content and the tone of the letter suggest that New Ventures has been less than diligent in its responsibilities under the Settlement Agreement for the closure of the Landfill and has failed to comply with certain requirements of the Settlement Agreement and Final Judgment. Further, this has prompted the reference to paragraph 27 of said Settlement Agreement and the inference that the Department must take steps to address the alleged operational deficiencies at the Landfill. Finally, your letter states that the failure to comply has created a "nuisance condition in the residential neighborhoods" without any data to support said allegation. New Ventures strongly disagrees with this allegation and states that it is in compliance with the performance standards for the destruction of H₂S through the pre-treatment system established in the Settlement Agreement.

In summary, the Landfill Gas ("LFG") System meets the performance standards for 95% destruction of H₂S required by Appendix B. New Ventures has taken steps previously to address specific issues raised by the Department, several of the Department's requests exceed the requirements of the Settlement Agreement and other requests warrant a response. As will be demonstrated below, in our opinion the Department has not made a case for utilizing the provisions

¹ The certified copy of the letter was received on January 28, 2010 in this office.

of paragraph 27 and states that there is no reason for the Department or its representatives to come on-site for the four (4) limited purposes enunciated in that paragraph.

I. We respond to the specific bulleted issues on pages 1 and 2 of the letter as follows:

Bullet 1. H₂S Releases.

New Ventures has worked with the Department and its consultants to determine the potential source of off-gassing. New Ventures has determined that off-gassing is not a result of any tears in the FML. When it identified a source of off-gassing associated with the excavation and installation of the stormwater management measures including piping, Basin 1 and the berm, New Ventures took steps to seal the outlet pipe from the basin. Recently, when it appeared that the seal was not holding as effectively as designed or anticipated, New Ventures backfilled the pipe for a more permanent seal. To New Ventures' knowledge, since the further sealing has taken place, the off-gassing has been reduced or eliminated at this potential source. Further, the Project Engineer verified that there were no H₂S odors from the drainage pipe discharge at the southwest corner yesterday. We believe that Shaw has verified these conditions as recently as Thursday, January 28, 2010.

In addition, in direct response to the Department's request, New Ventures' personnel have addressed the small FML tears with patching. As the Department is aware, FML is repaired by welding and New Ventures has a welder so certified. However, repairs are prohibited in temperatures below freezing. Repairs at this time will be by patches and taping. The majority of the work was accomplished yesterday with the remaining patches applied today.

Bullets 2, 3, 4 and 5. LFG Operations in Compliance with Appendix B.

Bullets 2, 3, 4 and 5 are all related to the enclosed flare and the LFG system. As the Department is aware, the pre-treatment involves three components, the subsurface piping, the pre-treatment media (including the condensate tank), and the enclosed flare. There are presently 16 wells, 11 of which are associated with the first phase of the closure and 5 wells associated with the second phase of the closure. Adjustments have been made to the wells throughout the treatment process in order to increase vacuum. As will be noted later in New Ventures' response to the gas blanket, the H₂S concentrations two sets of wells has been consistent and is dropping. The readings confirm that the H₂S concentration readings have dropped more than eighty (80%) percent in two (2) years to generate readings in the 2000-3000 ppm range in the 2006-2007 wells. On the other hand, the H₂S readings in the five new wells associated with the second phase of the closure have dropped from the 30k to 40k ppm range to 20k-24k ppm. In our experience these numbers will continue to be reduced over time. A sufficient flow of LFG ensures the optimum operation of the LFG system and the vacuum is sufficient to treat and incinerate emissions of H₂S in accordance with the performance standards of Appendix B.²

² The reference to surface emissions is far too general to respond to. The FML covers the entire Landfill except the haul road which has been packed with asphalt grindings.

Bullet 6. Media.

The three (3) on-site media trailers are being rotated to meet the Appendix B performance standard prior to entry into the enclosed flare. The operation of the three trailers involves both the use and rotation of the 3 trailers except when one is removed from the premises for maintenance and for the introduction of new media. This is consistent with the terms of the Settlement Agreement.

Bullet 7. Condensation.

The condensation is removed prior to the introduction to the media vessels and again at the flare. The condensate is removed from the tanks when the tank is full, approximately every two to three weeks.

Bullet 8. Enclosed Flare and Parts.

With respect to the enclosed flare, New Ventures has retained a new company to maintain and service the enclosed flare. Our experience with the manufacturer's representative was not satisfactory in terms of response time. New Ventures has retained Grinnell Mechanical of Middleton, Massachusetts who has visited the site and has begun to service the enclosed flare. New Ventures has, consistent with the request of the Department, taken steps to respond more quickly in the event of a maintenance issue. In fact, Grinnell has identified the need to replace the blower. The blower has been ordered and will be replaced early next week with the same size or a larger blower (see below).

Further, on-site parts for routine maintenance will be kept on site.

II. DEP Request for Actions within Seventy-Two (72) hours.

The second part of the letter identifies several action items.

1. Locate and seal any points of H₂S Landfill gas release from FML cap, LFG system, berm, drainpipe, Basin 1, or other places.

Response:

As noted above, the minor FML cap tears have been patched. Other potential Landfill gas release sources associated with the berm, drain pipe or Basin 1 have been identified and addressed. As noted in I(1) above, the Department's letter recognizes that welding cannot take place until temperatures are appropriate. New Ventures will continue to address potential release points.

2. Provide MassDEP with a plan and schedule for periodic comprehensive H₂S, LFG release evaluations at the Landfill to be conducted over several consecutive days at a time during the day when odor complaints have been routinely reported.

Response:

This request exceeds the requirements of the Settlement Agreement.

New Ventures has complied with the comprehensive complaint procedure in Appendix B that addresses residential complaints for the past four (4) years. In the past months, New Ventures has taken the additional steps, not required under the Settlement Agreement, to record all complaints on a chart as well as the wind direction at the time the complaint is lodged. In accordance with the Settlement Agreement, New Ventures responds to the complaint wherein it conducts a test using the Jerome Meter. Those results are sent to the Department and the City in accordance with the Settlement Agreement provisions. New Ventures has not received any data from its review or from Shaw's review that indicates high readings in the neighborhood.

3. Removed accumulated condensate from wells, header, lines and the flare. Drain and dispose of condensate.

Response:

New Ventures has removed the condensate from the LFG system components and has drained and properly disposed of the condensate from the tank.

4. Remove spent or saturated pre-treatment media.

Response:

This comment suggests that New Ventures is out of compliance with the performance standards for the destruction of H₂S under the Settlement Agreement. New Ventures is in compliance with the ninety-five (95%) percent destruction before it is incinerated at 1600° Fahrenheit. The media in the three (3) trailers on-site is not spent or saturated to the point where it is not part of an effective and compliant pre-treatment process. As noted above, the three (3) tanks are rotated in a manner which meets the performance standards of ninety-five (95%) percent destruction. New Ventures has reviewed Appendix B and the Settlement Agreement and does not see a requirement that one of the three (3) vessels must be held in reserve as a back up. Presently, the vessel closest to the enclosed flare is used as a polishing vessel.

5. Replace wellhead connections.

Response:

New Ventures has reviewed Appendix B and does not see a specification for the replacement of wellheads. The wellheads, as part of the Landfill gas extraction process are operational and capable of being adjusted. The older wellheads are being evaluated for the state of repair. If wellheads need to be repaired or replaced or made more accessible, New Ventures will make the adjustments and has a supply available. The wellheads associated with the second phase of closure are newer than the wellheads associated with Phase I closure but all are operational.

6. Ensure proper operation of the LFG system pursuant to Appendix B.

Response:

- A. The condensate has been collected and disposed of from the system.
 - B. The operational protocols for draining condensate from the pre-treatment system have been implemented including training on-site personnel to facilitate condensate removal, if necessary, and the periodic removal and draining of the condensate.
 - C. The reactivation of the Landfill gas venting blanket has not been performed because, as the Department is well aware, it does not contribute to the effective operation of the Landfill gas extraction system. The gas blanket system is a redundant treatment process associated with the initial Landfill capping in 2006 and 2007. As the attached results demonstrate, the concentrations of H₂S coming from those wells is approximately ten (10%) percent of the amount from the newer wells. To our knowledge there is no gas build up under the liner that would be affected by the blanket. In fact, to the extent that the Landfill gas venting blanket is activated, it will probably reduce the vacuum and the efficiency of the removal of H₂S from the more recent wells.
 - D. There is no requirement or need to install an auxiliary fan to boost the vacuum on the Landfill gas collection header to meet the performance standards for incineration under Appendix B of the Settlement Agreement. The present fan will be replaced next week. Prior to replacement SITEC will evaluate whether increasing the blower size will improve vacuum and whether it is possible with this design. If New Ventures concludes that a larger blower will increase vacuum, New Ventures will request that the cost be paid for by the FAM.
 - E. The three (3) media tanks were constructed in compliance with the Settlement Agreement and were inspected by the Department. The three (3) tanks are new and New Ventures has applied a sealant on the exterior of the tanks to reduce the amount of potential ambient air intrusion. Further, the ninety-five (95%) percent destruction performance standard has not been affected by any potential ambient air intrusion. Additional sealant to Tank 2 was applied on Thursday, January 28, 2010.
7. Provide a schedule for the Engineer of Record to complete an evaluation of the effectiveness of the gas collection system with recommended corrective actions.

Response:

SITEC, Inc., the engineer of record, has been on-site to evaluate the recent problem with the blower in the enclosed flare, to meet with the new mechanical engineer and to evaluate potential off-gassing. SITEC will investigate the impact of increasing the blower size on the LFG system.

Further, within two (2) weeks of the completion of the blower installation, SITEC will evaluate the LFG system and make recommendations for assuring compliance with the performance standards. In New Ventures' opinion, the system and the flare are operating in compliance with the performance standards of the Settlement Agreement at this time.

8. Obtain spare parts for the flare.

Response:

As noted above, the spare parts will be kept on site. There is no backup flame arrester required by the Settlement Agreement or the specifications for the enclosed flare. New Ventures would be willing to purchase said back-up arrester if the Department will fund it out of the Financial Assurance Mechanism ("FAM") fund.

9. Implement measures to maintain the LFG system in good working condition.

Response:

- A. New Ventures will investigate whether an automatic dialer connection can be installed to address potential flare malfunctions. New Ventures did not find a requirement for an automatic dialer in either the Settlement Agreement or in Appendix B. If the Department insists on the automatic dialer we would again look for payment to come out of the FAM.
- B. New Ventures will investigate the concept of another "knock out" tank at the entry point to address condensate at the Landfill gas. The tank is not required within the Settlement Agreement or Appendix B. Presently, condensate is removed prior to the entry into the media tanks and the entry into the enclosed flare. New Ventures is skeptical that another knock out tank will further reduce condensate or is necessary to meet the performance standards. Further, the issue is one of maintenance and removal of the existing condensate, not the creation of a new tank. New Ventures is willing to discuss this matter with the SITEC to determine what, if any, steps should take place.
- C. New Ventures will investigate whether the recorder needs to be and can be recalibrated. SITEC will also review the wire to the thermocouple to determine if it is consistent with the operation of the flare and the Settlement Agreement.
- D. The wiring conduit to the thermocouple will be properly secured.
- E. The propane assist controls will be repaired so that propane may be used as a back up fuel. To date there is sufficient methane to fuel the enclosed flare. The timing for this repair will be based upon discussions with Grinnell.

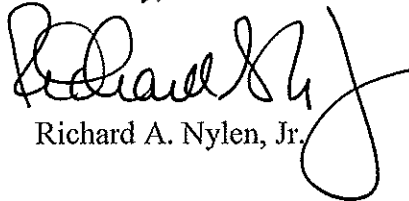
- F. We are not aware of a requirement for the stack insulation to be replaced. We will discuss that matter with Grinnell and SITEC and request their advice as to whether a replacement is necessary. It is New Ventures' understanding that insulation is helpful to retaining heat in the stack but that the issue relative to the heat required for the enclosed flare or compliance with the performance standards of Appendix B is not related to the amount of insulation.
- G. As noted above, New Ventures has retained a new mechanical consultant to advise it on the operation of the flare. New Ventures understands the ignition ramifications. New Ventures does not have independent knowledge of the use, value or complexity associated with a purge fan added to the enclosed flare and how it relates to the performance standards of Appendix B. New Ventures will share this request with Grinnell and SITEC and will include recommendations following the repair to the blower. In the meantime, New Ventures' flare continues to meet the performance standards under Appendix B.

The above response actions, including this letter, have been reviewed by the Engineer of Record. New Ventures will continue to take the necessary steps to comply with the Settlement Agreement. We request that the Department provide New Ventures with any monitoring data taken from the neighborhoods. We remain available to discuss any of the above items.

Please contact me if you have any questions.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad
Enclosure

cc: The Honorable Donna Holaday, Mayor
Matthew C. Ireland, Esq.
Mr. William Thibeault, New Ventures Associates, LLC
Michael W. Dingle, Esq.
Mr. Michael Quatromoni
Mark R. Reich, Esq.

Crow Lane Landfill Collection System Monitoring Report

Time: 7AM

Date: 1/22/2010

Barometric Pressure:

32.2

Performed by:

anthony lewis

Weather:

Clear

Temp:

27F

Location	Gas Readings							Wellhead Data				
	CH ₄	CO ₂	O ₂	Balance Gas	H ₂ S	Temp	CO	Header Pressure	Well Pressure	Valve Position	Flow	
	(%)	(%)	(%)	(%)	(ppm)	(°F)	(Temp > 130° F) (ppm)	(inches)	(inches)	(% Open)	(cfm)	
FLARE	28.5	38.7	2.8	36.6	200	1650		18	—	0.5	300	
EW1	34.5	32.9	1.5	38.9	5,000	N/A		0.1	0.1	0.5		
EW2	24.2	34.5	0.5	43.9	1,500	N/A		0.6	0.6	0.5		
EW3	22.7	34.4	1.0	52.3	500	N/A		0.2	0.2	0.5		
EW4	27.3	43.2	2.3	42	2,000			0.3	0.3	0.5		
EW5	37.3	24.9	1.6	41.4	1,500	N		0.4	0.4	0.5		
EW6	43.8	23.7	1.3	36.3	2,000	N		0.5	0.5	0.5		
EW7	36.3	42.8	0.5	25.7	23,500	N/A		0.1	0.1	0.5		
EW8	22.1	42.2	0.5	43.1	2,400	N/A		0.1	0.1	0.5		
EW9	42.1	43.3	1.0	38.2	1,200	N/A		0.1	0.1	0.5		
EW10	35.7	42.9	1.1	7.9	26,000	N/A		0.4	0.4	0.5		
EW11	25.4	41.4	1.3	36.0	2,100	N/A		0.2	0.2	0.5		
EW12	32.8	38.1	1.8	39.1	3,000	N/A		0.6	0.6	0.5		
EW13	23.7	32.3	1.0	40.6	27,000	N/A		0.7	0.7	0.5		
EW14	23.4	38.7	0.6	48.4	22,000	N/A		0.4	0.4	0.5		